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10/719,033	11/21/2003	Christopher L. Gerding	117018-00003	2836

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EXAMINER	
MCCULLOCH JR, WILLIAM H	
ART UNIT	PAPER NUMBER
3714	
MAIL DATE	DELIVERY MODE
07/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/719,033	GERDING, CHRISTOPHER L.	
	Examiner	Art Unit	
	William H. McCulloch	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9,15 and 21-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9,15 and 21-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to amendments received 6/9/2008. Claims 9, 15, and 21-32 are pending in the application, with claims 15, 22, 26 and 30 currently amended.

Priority

2. Applicant is reminded that there is no probative evidence to suggest that the instant invention was conceived or reduced to practice earlier than December 31, 1999, which is the date used by the Examiner for the effective filing date of the instant application for purposes of this Office Action. A full explanation of this calculation was presented in the last Office Action.

Claim Rejections - 35 USC § 102/103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 9, 15, 22, 25-26, and 28 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 5,850,539 to Cook et al. (hereinafter "Cook").

For the Basis under §102, Cook teaches a system to facilitate the creation of a rack-mountable component personal computer (see 15:48-51). The resultant personal computer is referred to as an "apparatus" by the Examiner. The elements of said apparatus are described in further detail below as they relate to the claimed invention. It should be noted that Cook explicitly teaches his system is designed to *facilitate in the production of* the apparatus. The Examiner finds that *the apparatus whose production is facilitated* anticipates the above noted claims because Cook teaches that the purpose of his invention is to facilitate and design the apparatus *and* aid its production. However, should it be determined that Cook fails to actually teach the apparatus itself, it cannot be disputed that Cook teaches a system and method to facilitate its design. In that case, a rejection under §103 is necessary because it would have been obvious to one of ordinary skill in the art at the time of invention to produce the apparatus designed in Cook in order to provide easy access for connection, service, and maintenance purposes in computer components, as is favorably taught by Cook in at least 1:49-51.

Regarding claim 15, Cook teaches a video game apparatus, comprising, a housing having a support for a video monitor therein (e.g., rack housing with monitor 1210; see at least fig. 13); and a control module (e.g., keyboard/monitor/mouse switch box 1410; see at least figs. 14-15 and 7:53-55) communicating with the video monitor and comprising an arcade control for a video game (e.g., keyboard 1010; see at least fig. 11), the control module structured to be compatible for use with a plurality of different video game systems (e.g., servers installed in the rack). The Examiner notes that the server computers are "video game systems" according to the scope of the

instant claims (e.g., describing a PC computer as a video game system, further discussed below) because the server computers are useful for playing video games. It is further noted that the terms "server" and "PC" are used interchangeably in Cook.

Regarding claim 9, Cook teaches a switching system (e.g., keyboard/monitor/mouse switch box 1410; see at least figs. 14-15 and 7:53-55) structured to allow a user to select which of the plurality of different video game systems are to be operated.

Regarding claim 25, Cook shows that the arcade control comprises a plurality of buttons on the keyboard 1010.

Regarding claim 22, Cook teaches a video game control system comprising; at least one controller (e.g., keyboard 1010); and a control device (e.g., keyboard/monitor/mouse switch box 1410) interconnected to the controller, by which operation of the video game control system may be controlled to play selectively from at least two different video game systems (see at least 7:53-55).

Regarding claim 26, Cook teaches an apparatus, comprising: a control module (e.g., keyboard 1010) comprising an arcade control (e.g., respective buttons on keyboard), the control module structured to be compatible for use with a plurality of different game systems (see at least 7:53-55).

Regarding claim 28, Beasley shows that the arcade control comprises a plurality of buttons on the keyboard 1010.

Claim Rejections - 35 USC § 103

6. Claims 23-24, 27, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook.

Cook teaches the invention substantially as described above, including the fact that the system may use a PC type computer (see above). Cook lacks in explicitly teaching that a Macintosh computer system may be used. Regardless, a Macintosh computer lacks criticality in the invention and would have been an obvious matter of choice, well within the capabilities of one of ordinary skill in the art at the time of invention. Furthermore, one of ordinary skill in the art at the time of invention would have recognized that users could benefit by having a Macintosh computer installed in the rack system of Cook in order to provide the use of proprietary or otherwise Macintosh-only programs and functionalities that were not available on a PC type computer.

7. Claims 21, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of U.S. 6,151,645 to Young et al. (hereinafter "Young").

Cook teaches the invention substantially as described above, but lacks in explicitly teaching wireless communication between the control module and the plurality of video game systems. In a related disclosure, Young teaches a system to provide wireless communication between input devices (e.g., keyboard 16 and mouse 18) and a computer (see at least 1:29-38). Young teaches that RF or infrared signals may be used for wireless communication (see at least 3:60-35). Young further teaches that the system may include wireless communications between a computer and a monitor (see

at least 5:16-23). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system described by Cook to include the wireless system of Young in order to make the system more convenient and flexible to use, as is favorably taught by Young in at least 1:61-63 and 5:16-23. Young also indicates that wireless transmissions do not interfere with other wireless signals by the inclusion of packet identifiers and addresses including in the communication packets (see at least 1:21-28).

Response to Arguments

8. Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. H. M./
Examiner, Art Unit 3714
7/21/2008

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714